

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SABA HASHEM, individually, and as a member of, and derivatively on behalf of, D'Angelo and Hashem, LLC,

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Plaintiff,

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v.

Civil Action No. 16-cv-12383-IT

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STEPHEN D'ANGELO, D'ANGELO LAW GROUP, LLC, and D'ANGELO AND HASHEM, LLC.

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Defendants.

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ORDER

TALWANI, D.J.

Presently before this court is Plaintiff's Motion to Compel Disclosure and Discovery [#61]. Plaintiff seeks to compel Defendant Stephen D'Angelo to respond to the request for production of documents and interrogatories served upon him on September 29, 2016, and to the request for production of documents served upon him on August 31, 2017. Plaintiff also seeks to compel Defendant D'Angelo Law Group LLC to respond to the request for production of documents served upon it on August 31, 2017.

When Plaintiff's Motion to Compel [#61] was filed on November 2, 2017, neither Defendant had yet served responses to Plaintiff's interrogatories or requests for the production of documents, although these responses were long overdue. On November 15, 2017, Defendants responded to Plaintiff's August 31, 2017, requests for production of documents and raised various objections to those discovery requests. Defs. Resp. to Pl.'s Mot. to Compel 1 [#70]. In light of Defendants' untimely response, the court finds all objections to Plaintiff's discovery

requests are waived, see Marx v. Kelly, Hart, & Hallman, P.C., 929 F.3d 8, 12 (1st Cir. 1991), except as to documents protected by Defendants' clients' attorney-client privilege.

Accordingly, Plaintiff's Motion to Compel [#61] is ALLOWED. Defendants are ordered to answer Plaintiff's interrogatories, and to respond to Plaintiff's requests for production of documents by stating that inspection will be permitted, except as to documents protected by Defendants' clients' attorney-client privilege, and by producing all responsive, non-privileged documents, no later than December 4, 2017. Defendants shall also provide a privilege log itemizing those documents being withheld subject to Defendants' clients' attorney-client privilege by December 4, 2017.

Plaintiff further requests an award of attorney's fees incurred in preparing and filing the Motion to Compel, pursuant to Rule 37(a)(5)(A) of the Federal Rules of Civil Procedure. The court anticipates scheduling a hearing on attorney's fees after Plaintiff submits a motion specifying the fees sought.

IT IS SO ORDERED.

Date: November 22, 2017

/s/ Indira Talwani
United States District Judge